

tingent duties and responsibilities annexed to it, and the channel through which it must be obtained, it assumes a dignity and importance not usually ascribed to it. I should be wanting in justice to myself and respect to my fellow-citizens, if, on this occasion, I should withhold an expression of my sincere gratitude for the compliment paid me by its bestowal. As much however as I value the honor done me, I think it but candid to remark, that I attribute my success less to my own merits or any hold I have upon the confidence and partiality of the people of Texas, than to the popular association in which I was placed, and the force and importance of the issues involved in the election. It is proof of the correctness of this opinion, that I was opposed by a gentleman very generally acquainted with our citizens, of great personal popularity, having the advantage of the incumbency of the office, the duties of which he had well performed, and commended to the favor and support of the electors of the State by the nomination of a large and respectable political convention.

The Senate retired to their chamber, and on motion of Mr. Parsons, adjourned until Friday morning 10 o'clock.

FRIDAY, December 23rd, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The Hon. Ed. Clark, President of the Senate, addressed the Senate as follows :

Gentlemen of the Senate:

You will, I trust, permit me a few remarks upon taking my place this morning. I had expected and intended to make the usual address at the time and place of my induction into office, but was prevented. I was wrong, perhaps in not using that occasion for the purpose.

My duties here though few and plain are responsible, and you will not receive it as the affectation of a sentiment I do not entertain to say that I assume their performance with great apprehension of my ability to discharge them well. I can scarcely expect in the beginning of my service to escape the commission of errors, and I ask that you will view my imperfections with leniency and forbearance, at least until I shall have had time to familiarize myself with your rules of proceeding. I deem it unnecessary to ask your aid and assistance in the discharge of my labors for when needed, I know it will be kindly and promptly given. Allow me to express the hope that in my place, I may

find it somewhat in my power to contribute to the speedy accomplishment of the business of the session and the promotion of the interests and prosperity of every section of our beloved State.

The Journal of Wednesday was read and adopted.

Mr. Fall presented the petition of Daniel H. Veal for land.— Referred to the committee on the Court of Claims.

Mr. Potter, chairman of the committee on the Judiciary, made the following reports:

The Judiciary committee, to whom was referred a bill to incorporate the Sabine and Neches river Insurance Company, reported the bill back to the Senate with amendments, and recommended its passage.

AMENDMENTS.

Insert the following as sec. 6th:

Sec. 6. The President and Directors of the Company shall annually or semi-annually divide to the stockholders thereof so much of the profits of the business of the company as in their discretion they deem safe and proper, which dividends when paid, shall in the discretion of the President and Directors, be endorsed on the unpaid stock notes of the party entitled to the dividend, until such notes are paid in full, or may in their discretion be paid to the parties entitled. But no dividend of any of the profits of the Company shall be made at any time, unless the capital paid in remain unimpaired.

Insert the following as sec. 7.

Sec. 7. So soon as the President and Directors of the company shall establish by proof to the satisfaction of the County Court of Jefferson county, that ten per centum on one hundred thousand dollars of the capital stock of the corporation has been paid in by the stock-holders to the Secretary of the Company, and that the balance or residue of said one hundred thousand dollars, of capital stock has been secured to be paid when called for, by the notes of the subscribers to said capital stock well secured by not less than two good and solvent persons, or by mortgage on real estate sufficient to amply secure the same; and also shall establish to the satisfaction of said county court, that the direction of said corporation has been organized in conformity with the provisions of this act, then said county court shall give them a certificate thereof, which shall be their warrant to commence business operations, under the authority conferred by this act. And any increase in the capital stock of the company beyond said sum of one hundred thousand dollars, shall be by resolution of the stockholders at their annual meeting, and the subscriptions to such increased stock, shall be secured as in this

section before provided. But the company shall not be allowed to do business on such increased capital stock until the President and Directors thereof shall have made proof to the satisfaction of the county court of said Jefferson county; that the ten per cent. on such increased stock has been paid to the Secretary of the company, and that the residue of the subscription, to such increase stock have been secured to be paid in the manner as in this section provided in relation to the first one hundred thousand dollars of stock, and said county court shall have given a certificate thereof to said President and Directors.

Make sec. 6 of the bill sec. 8 ; sec. 7, sec. 9 ; sec. 8, sec. 10 ; sec. 9, sec. 11.

At the end of section 9 as re-numbered insert as follows :

In case the company shall fail, refuse, or be unable to pay any judgment which may be recorded against the same the person or persons interested in such judgment shall have a right of action against each stockholder thereof and his, her, or their securities on the notes required to be given by the seventh section of this act, until such judgment or judgments are satisfied. And the officers of said company, shall during the month of January, of each year cause a full and accurate statement of the affairs of the company, to be made up and published at least one week, in some newspaper published in Jefferson county, which statement shall be signed and sworn to by the President and Secretary of the company and in case there is not a newspaper published in said county their such statment shall be published in some newspaper in Liberty or Galveston.

The Judiciary committee have considered a House bill to be entitled an act supplementary to an act entitled an act to amend the second and seventh sections of an act entitled an act to organise the Supreme Court of the State of Texas, &c., and direct me to return the same to the Senate with a substitute therefor and recommend the adoption of the substitute and the passage of the bill.

The committee on the Judiciary have considered a House bill, to be entitled an act to amend the act to incorporate the city of San Antonio, approved July 17th, 1856, and find that the object of the bill is to so amend the charter of the city of San Antonio and to require a man to be a freeholder or a householder in said city in order to be entitled to vote in a corporate election in said city. This is a departure from the policy adopted by the State, in enacting the law providing for the incorporation of towns and cities. Sec. 5th of charter, provides that every free male person who has attained the age of twenty-one years, and who has

resided within the limits of the proposed town for the six months next preceding, and is a qualified elector under the laws of the State, shall be entitled to a vote at the election. This provision is in strict accordance with the requirements of the constitution of the State in prescribing qualifications of electors for State officers from Governor down to the lowest officer in the State, Art. 3d, sec. 7. constitution of the State, and it would appear but reasonable, that any one who is qualified under the constitution to vote for Governor, Judges of the Supreme and District courts, and all other State officers, as well as for electors of President and Vice President of the United States, should be considered as possessed of all the qualifications, necessary to entitle him to vote for the officers of a Municipal corporation, in which he may happen to reside. And this view of the matter, appears the more reasonable and just when we call to our minds the fact that the corporate authorities of such towns and cities, are authorized to enact laws or ordinances which are voted as laws, within the corporate limits, and which are binding upon all the inhabitants of such towns and cities both as to person and property. Entertaining this view of the matter a majority of the committee direct me to return the bill to the Senate, and recommend that it do not pass.

Mr. Whaley presented the petition of sundry citizens of Leon, Robertson and Milam counties. Referred to the committee on State Affairs.

Mr. Stockdale introduced a bill supplemental to the modified charter of the Aransas Road Company. Read 1st and 2nd times and referred to the committee on Internal Improvements.

Mr. Walker, chairman of the committee on Public Lands reported a bill to grant pre-emption privileges to the company carrying the overland mail from Memphis and St. Louis through Texas to San Francisco, back to the Senate and recommend its passage.

On motion of Mr. Throckmorton, the bill was taken up.

Mr. Stockdale offered the following amendment:

And the like quantity of land be granted to the company who have the contract for the overland mail to California from San Antonio to El Paso, upon the same terms and conditions.

Mr. Throckmorton moved to make the bill the special order for Tuesday the 3rd day of January, 1860.

Mr. Townes moved an adjournment 'til Tuesday the 27th inst., at 10 o'clock, A. M., upon which the yeas and nays were called, and the question lost by the following vote:

YEAS.—Messrs. Chambers, Dickinson, Fall, Herbert, Lott,

Martin, Parsons, Rainey, Scarborough, Townes and Whaley—11.

NAYS.—Messrs. Gentry, Grimes, Guinn, Harman, Hart, Pitts, Potter, Raines, Sims, Stockdale, Throckmorton, Walker and Wallace—13.

The question on Mr. Throckmorton's motion was then put and carried.

ORDERS OF THE DAY.

A bill to repeal the usury laws. On motion of Mr. Potter was laid on the table.

Mr. Gentry moved to adjourn until Monday the 27th inst., 10 o'clock, A. M. Lost.

A bill concerning party walls and division walls, fences and ditches in common and otherwise.

On motion of Mr. Rainey, was made the special order for Tuesday the 3rd day of January, 1860.

Joint Resolution relative to the Harper's Ferry insurrection. Read 3rd time and passed.

Mr. Townes, from the committee on Enrolled Bills, reported a bill amendatory of and supplemental to an act to incorporate the Sabine and Galveston Bay Railroad and Lumber Company, correctly enrolled, duly signed and this day presented to the Governor for approval.

A bill to amend the 34 section of an act to regulate proceedings in the District Courts passed May 12th, 1860.

On motion of Mr. Rainey, was made the special order for Wednesday, 4th January, 1860

On motion of Mr. Parsons the Senate adjourned until Tuesday next at 11 o'clock, A. M.

TUESDAY, December 27, 1859.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called and there being no quorum, on motion of Mr. Hyde the Senate adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, December 28th, 1859.

Senate met. Prayer by the Chaplain—roll called—quorum present.

The journal of Friday was read and adopted.